

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on March 23, 2017, which may be different from its entry on the record.

**IT IS SO ORDERED.**

**Dated: March 23, 2017**



  
ARTHUR I. HARRIS  
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In re:**

**David Candelaria, Jr**

**Debtor(s).**

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**Case No.: 16-14691**

**Chapter 13**

**Judge Arthur I. Harris**

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**AGREED ORDER TO SETTLE OBJECTION TO CONFIRMATION OF PLAN**  
**(DOCKET # 17)**

This matter having come before the Court on the Objection to Confirmation of Plan which was filed in this court by Federal National Mortgage Association ("Fannie Mae") a corporation organized and existing under the laws of the United States of America ("Creditor"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process

16-025259\_JMR

Services, Inc., and it appearing to the Court that the parties have agreed to a course of action for the protection of Creditor; and the Court, being otherwise fully advised in the premises, issues the following Order with respect thereto:

1. For the sole purpose of resolving Creditor's Objection to Confirmation of the Plan filed September 26, 2016 at Docket #17, the parties agree that the value of the real property and improvements located at 3165 West 11<sup>th</sup> Street, Cleveland, Ohio, 44109 (the "Property") is \$23,500.00.
2. The value of the Property set forth in Paragraph 1 shall be paid by the Chapter 13 Trustee to Creditor over the life of the plan with interest at 5.75%. The unsecured portion of Creditor's claim shall be allowed and paid pro-rata with the unsecured creditors.
3. The parties further agree that the escrow will be removed from this loan upon entry of the Order of Confirmation and the Debtor will be responsible for the payment of the ongoing property taxes and insurance from that date forward.
4. The Creditor is permitted to file a Supplemental Proof of Claim to recover any post-petition escrow disbursements advanced by Creditor prior to entry of this Agreed Order and said claim will be paid as secured through the Chapter 13 plan.
5. The Mortgage dated November 26, 2007 recorded in the Cuyahoga County Recorder's Office on December 3, 2007 as Instrument Number 200712030208 (the "Mortgage") shall only be released upon the successful completion of this bankruptcy plan and issuance of a discharge order.
6. Should this bankruptcy case be dismissed or converted to another chapter under the Bankruptcy Code, the Mortgage shall be fully reinstated and the above agreement as to value and interest void.

7. Debtor will be in default under this Agreed Order if Debtor fails to pay the ongoing post-petition taxes or insurance. In the event of a default, Creditor may seek relief from the automatic stay.
8. Creditor's Objection to Confirmation is hereby withdrawn.

**SUBMITTED BY:**

/s/ Daniel C. Wolters

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